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10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 PAUL GANNON, individually and on
13 behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 NETWORK TELEPHONE SERVICES,
17 INC., a California corporation; DECADE
18 COMMUNICATIONS, INC., a
19 California corporation; FRONTIER
20 CREDIT, INC., a California corporation;
21 AMERICAN OPERATOR SERVICES,
22 INC., a California corporation; JOSEPH
23 PRESTON, individually; and GARY
24 PASSON, individually,

25 Defendants.

NO. 2:12-cv-09777-RGK-PJWx

**[PROPOSED] ORDER
DISMISSING PLAINTIFF'S
INDIVIDUAL CLAIM AND
ENTERING JUDGMENT
FOLLOWING DENIAL OF
CLASS CERTIFICATION**

Hon. R. Gary Klausner

26 The Court, having reviewed the Joint Stipulation to Dismiss Plaintiff's
27 Individual Claim, Preserve Plaintiff's Appellate Rights to Act as Class
28 Representative, and Enter Final Judgment, hereby finds good cause and ORDERS
that:

[PROPOSED] ORDER DISMISSING PLAINTIFF'S
INDIVIDUAL CLAIM AND ENTERING JUDGMENT
FOLLOWING DENIAL OF CLASS CERTIFICATION - 1

1. Plaintiff's individual claim asserted in this action be dismissed with prejudice under FRCP 41;

2. Said dismissal of Plaintiff's individual claim is not intended or meant to deprive Plaintiff of the right to pursue any appellate remedies relating to the District Court's denial of class certification or to serve as class representative if the denial of certification is reversed on appeal; and

3. The District Court having denied class certification, and Plaintiff and Defendant having resolved Plaintiff's individual claims, judgment be otherwise entered finally disposing of all issues in this case at the District Court level with each side to bear their own attorneys' fees and costs consistent with the terms of the conditional waivers spelled out in the Joint Stipulation.

IT IS SO ORDERED.

Dated this 16th day of September, 2013.

Jay Klausner

UNITED STATES DISTRICT JUDGE

Presented by:

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